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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/678,298

10/03/2003

Daisaku Shimazaki

5259-000032

3493

27572 7590 10/07/2008
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EXAMINER

CHERY, DADY

ART UNIT

PAPER NUMBER

2416

MAIL DATE

DELIVERY MODE

10/07/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/678,298	Applicant(s) SHIMAZAKI ET AL.	
	Examiner DADY CHERY	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03/21/2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This communication is responsive to the amendment filed on 03/21/2008. Claim 1-62 remain in the application.

Response to Arguments

1. Applicant's arguments filed 03/21/2008 have been fully considered but they are not persuasive. A call was made to Gregory A. Stobbs on 09/12/2008 to clarify the subject matter claimed; unfortunately the response was not satisfied. The examiner attempts to enumerate different ambiguity in the claimed invention, but this is not considered as an exhaustive list. Therefore, the applicant obligates to correct every error in the instant application for further advance prosecution.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1 -62 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the virtual node" in line 23. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "other nodes information" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the present node" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "LSP" in line 7. There is insufficient antecedent basis for this limitation in the claim.

The examiner suggests the following language into claim 1:

“means for mutually interchanging with other nodes link state information about the present node and links which are connected to the present link state information node means for storing said link state information for one or for all of the nodes within said network which has been obtained by said interchanging means;
means for selecting a path for a LSP (Label Switch Path) of one or a plurality of types of layer, based upon said link state information which has been stored in said storing means according to a LSP establishment request; and
means for changing the path which has been selected and established by this selection means, according to an LSP change request, based upon said link state information which has been stored in said storing means”.

Claim 1 recites the limitation "upon link state" in lines 9 and 12 etc... There is insufficient antecedent basis for this limitation in the claim.

Claims 1, 27, 36 38 and 47 as written are unclear. The examiner requests clarification for all the ambiguity in the instant application for example at least the following limitations : “ if links exist which connect the interiors of the virtual nodes and the exterior, defining the contact points between these interiors of the virtual nodes and the exterior as interfaces of the virtual nodes”.

Regarding claims 27, 36, 38, 47 and 49, the examiner requests the applicant to clarify the preamble and the body of the claims.

Regarding claim 19, the examiner requests that the applicant add limitations of claim 1 into claim 19.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DADY CHERY whose telephone number is (571)270-1207. The examiner can normally be reached on Monday - Thursday 8 am - 4 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Q. Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


/Ricky Ngo/
Supervisory Patent Examiner, Art

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/Dady Chery/
Examiner, Art Unit 2616

<div>Application Number</div> <div></div>	Application/Control No.	Applicant(s)/Patent under Reexamination	
	10/678,298	SHIMAZAKI ET AL.	
	Examiner	Art Unit	
	DADY CHERY	2616	